

United States District Court

Western District of Texas

Pecos Division

United States of America

v.

Thomas Alan Arthur

No. 4:19-CR-00774-DC-1

---

Motion to Reconsider

Order Affirming Magistrate's Judge's Order Denying Motion for Discovery

---

**JUDGE COUNTS:**

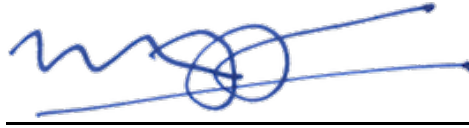
Please reconsider the affirmance of the Magistrate Judge's *Order Denying Motion for Discovery* as to the Text Works—stories—only, as the rationale for affirming the Magistrate Judge's *Order* does not apply to those stories.

That rationale was that “[a]rguably, the drawings are pictures, produced by ‘other means,’ of sexually explicit conduct under Section 2256(8).”

The *stories*, however, are not even arguably “pictures ... of sexually explicit conduct under Section 2256(8).”

Please require the Government to allow Counsel to make copies of the Text Works only, to keep confidentially and share only with defense expert witnesses.

Respectfully Submitted,



---

**Mark Bennett**

Attorney in Charge

TBN 00792970

**Bennett & Bennett**

917 Franklin Street, Fourth Floor

Houston, Texas 77002

713.224.1747

mb@ivi3.com

Lane A. Haygood

Texas State Bar Number:

24066670

Haygood Law Firm

522 N. Grant Ave.

Odessa, Texas 79761

Telephone: 432. 337.8514

Fax: .432.225.1062

lane@haygoodlawfirm.com

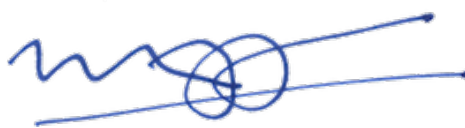
Attorneys for the Defendant,

Thomas Alan Arthur

**CERTIFICATE OF CONFERENCE AND SERVICE**

I have conferred with the attorneys for the Government about the subject matter of this objection, and they are opposed.

On the twelfth day of June, 2020, I electronically filed this motion with the Clerk of the Court using the CM/ECF filing system which will send notification of the filing of the motion to the United States Attorney's Office and the assistant United States attorneys involved in the case.



---

Mark W. Bennett